

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

ABU DHABI COMMERCIAL BANK, et al., : Civil Action No. 1:08-cv-07508-SAS-DCF
Individually and On Behalf of All Others :
Similarly Situated, :
Plaintiffs, :
vs. :
MORGAN STANLEY & CO. :
INCORPORATED, et al., :
Defendants. :
x

CORRECTED DECLARATION OF
DANIEL S. DROSMAN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS MORGAN STANLEY &
CO. INCORPORATED'S AND MORGAN
STANLEY & CO. INTERNATIONAL
LIMITED'S MOTION FOR SUMMARY
JUDGMENT PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 56(c)

[VOLUME 1, TABS 1-25]

I, Daniel S. Drosman, declare as follows:

1. I am an attorney admitted to practice before this Court, and I am a partner of the law firm of Robbins Geller Rudman & Dowd LLP, counsel for plaintiffs in the above-captioned matter. I submit this Declaration in support of Plaintiffs' Opposition to Defendants Morgan Stanley & Co. Incorporated's and Morgan Stanley & Co. International Limited's Motion for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56(c).

2. Attached are true and correct copies of the following documents:

TAB NO.	DESCRIPTION
1	MS_000302388-417 (excerpt)
1A	Ex. 627
2	July 22, 2011 Deposition Transcript of Paul Quistberg (excerpt)
3	September 9, 2011 Deposition Transcript of Phillip Picariello (excerpt)
4	September 15, 2011 Deposition Transcript of Andrew Baron (Volume II) (excerpt)
5	MS_000634695
6	Ex. 316
7	Ex. 122
8	Chart of Communications Between Morgan Stanley and the Plaintiffs Concerning Cheyne SIV
9	Defendants' Ex. 4 (Vijayan) (excerpt)
10	Ex. 10 (Moubarak)
11	November 6, 2009 Deposition Transcript of Rany Moubarak (excerpt)
12	Defendants' Ex. 43
13	Ex. 53
14	Defendants' Ex. 7 (Vijayan)
15	Defendants' Ex. 29
16	Defendants' Ex. 13 (Vijayan) (excerpt)
17	Defendants' Ex. 42
18	MS_000235609-11
19	CBe00414179-82
20	MS_000601013-16
21	CBe00855190-323 (excerpt)
22	FSBAe00116611-730 (excerpt)
23	FSBAe00116350-455 (excerpt)
24	MS_001526506
25	MS_001530195-204
26	MS_000565971-73
27	October 3, 2011 Deposition Transcript of Yaser Humaidan (Volume I) (excerpt)

TAB NO.	DESCRIPTION
28	MS_000223113-20
29	MS_000256208-14
30	MS_001565757
31	September 26, 2011 Deposition Transcript of Frederic Becker (Volume I) (excerpt)
32	Defendants' Ex. 403 (excerpt)
33	Defendants' Ex. 404 (excerpt)
34	Ex. 1 (Becker)
35	MS_001548351-53
36	BHAe0144890-94
37	MS_001565762
38	MS_001561945-46
39	MS_001571257-58
40	MS_000243760
41	MS_000238378-86
42	MS_000238458-60
43	MS_000243708-09
44	June 16, 2011 Deposition Transcript of Michael Smith (excerpt)
45	Defendants' Ex. 501 (excerpt)
46	Defendants' Ex. 502 (excerpt)
47	NACFe00001234-36
48	MS_000016269-77
49	MS_001510183-86
50	MS_001554807-08
51	NACFe00000922-24
52	NZFe0253586-648 (excerpt)
53	Defendants' Ex. 505 (excerpt)
54	NZFe0254412-14
55	NZFe0215199-211
56	NZFe0254284-389 (excerpt)
57	Defendants' Ex. 525 (excerpt)
58	Defendants' Ex. 510
59	MS_001559305-63 (excerpt)
60	MS_001559516-18
61	MS_001559743-44
62	MS_001518283
63	MS_001518012-257 (excerpt)
64	MS_001520769-77
65	MS_001559681
66	CSAM006780
67	November 15, 2011 Deposition Transcript of Christopher Burton (excerpt)
68	MS_001524724-25
69	MS_000473251-76 (excerpt)

TAB NO.	DESCRIPTION
70	MS_001523659-98 (excerpt)
71	MS_001543967-4082 (excerpt)
72	MS_001543845-48
73	MS_001525215-20
74	MS_001544740
75	MS_001536167-68
76	June 10, 2011 Deposition Transcript of Daisy Lac (excerpt)
77	June 22, 2011 Deposition Transcript of Lauren Woo (excerpt)
78	MS_000741366-67
79	MS_001508298-404 (excerpt)
80	MS_001511548-770 (excerpt)
81	MS_001508435
82	MS_001508448-49
83	MS_001509453-56
84	MS_001509459-62
85	MS_001508418-25
86	MS_001514726
87	MS_001509447
88	MS_001557358-429
89	MS_000077748-62
90	Ex. 261 (excerpt)
91	Ex. 236
92	Ex. 336
93	March 9, 2011 Deposition Transcript of Henry Tabe (excerpt)
94	MS_000301631-61 (excerpt)
95	Ex. 615 (excerpt)
96	MS_000015179-80
97	MS_001509191-386 (excerpt)
98	September 14, 2011 Deposition Transcript of Andrew Baron (Volume I) (excerpt)
99	Defendants' Ex. 464

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of December, 2012, at San Diego, California.

s/ DANIEL S. DROSMAN
DANIEL S. DROSMAN

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2012, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 28, 2012.

s/ DANIEL S. DROSMAN
DANIEL S. DROSMAN

ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: ddrosman@rgrdlaw.com

Mailing Information for a Case 1:08-cv-07508-SAS-DCF**Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

- **Floyd Abrams**
fabrams@cahill.com
- **Mario Aieta**
maieta@ssbb.com,managingclerk@ssbb.com,marioaieta@gmail.com,dgerard@ssbb.com
- **Darryl J. Alvarado**
dalvarado@rgrdlaw.com,nhorstman@rgrdlaw.com
- **X Jay Alvarez**
jaya@rgrdlaw.com
- **Greg Donald Andres**
greg.andres@davispolk.com
- **Luke Orion Brooks**
lukeb@rgrdlaw.com
- **Dai Wai Chin Feman**
dchinfeman@ssbb.com
- **Joel M. Cohen**
jcohen@gibsondunn.com,aarias@gibsondunn.com,mkdunning@gibsondunn.com,snurhussein@gibsondunn.com
- **James J. Coster**
jcoster@ssbb.com,managingclerk@ssbb.com
- **Patrick Joseph Coughlin**
patc@rgrdlaw.com
- **Jason Cassidy Davis**
jdavis@rgrdlaw.com,khuang@rgrdlaw.com,ptiffith@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Michael Joseph Dowd**
miked@rgrdlaw.com,e_file_sd@rgrdlaw.com,tome@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Daniel S. Drosman**
ddrosman@rgrdlaw.com,jillk@rgrdlaw.com,E_File_SD@rgrdlaw.com,nlindell@rgrdlaw.com,tholindrake@rgrdlaw.com,jcharo@rgrdlaw.com
- **Mary K Dunning**
mkdunning@gibsondunn.com,dwolber@gibsondunn.com,mkatz@gibsondunn.com,aarias@gibsondunn.com,arublin@gibsondunn.com,pwade@gibsondunn.com,cdieng
- **Jessica Lynn Freese**
jessica.freese@davispolk.com
- **Charles Alan Gilman**
cgilman@cahill.com
- **Marc Ian Gross**
migross@pomlaw.com
- **Christopher Michael Joralemon**
cjomalemon@gibsondunn.com,aarias@gibsondunn.com
- **Mark Adam Kirsch**
mkirsch@gibsondunn.com,aarias@gibsondunn.com
- **Justin Evan Klein**
jklein@ssbb.com,managingclerk@ssbb.com
- **Jeffrey B. Korn**
jkorn@willkie.com,maosdny@willkie.com
- **William Ross Miller , Jr**
william.miller@dpw.com,ecf.ct.papers@dpw.com
- **Paul Steel Mishkin**
paul.mishkin@dpw.com
- **Tariq Mundiya**
maosdny@willkie.com,jsim@willkie.com,tmundiya@willkie.com
- **David Owen**
dowen@cahill.com
- **Antonio Jorge Perez-Marques**
antonio.perez@dpw.com,ecf.ct.papers@dpw.com

- **Dean I. Ringel**
DRingel@Cahill.com,JHall@cahill.com
- **Christopher Joseph Roche**
croche@kaplanrice.com
- **James P. Rouhandeh**
james.rouhandeh@dpw.com,ecf.ct.papers@davispolk.com
- **Tammy Lynn Roy**
troy@cahill.com,ndelutri@cahill.com,mmcloughlin@cahill.com,nmarcantonio@cahill.com
- **Joshua M. Rubins**
jrubins@ssbb.com,managingclerk@ssbb.com,jdoty@ssbb.com
- **Samuel Howard Rudman**
srudman@rgrdlaw.com,e_file_ny@rgrdlaw.com,mblasy@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **Andrew Dickens Schlichter**
andrew.schlichter@dpw.com
- **Jessica T. Shinnefield**
jshinnefield@rgrdlaw.com
- **Robert Frank Wise , Jr**
rwise@dpw.com,ecf.ct.papers@dpw.com
- **Aaron Mark Zeisler**
azeisler@ssbb.com,managingclerk@ssbb.com
- **Adam N. Zurofsky**
azurofsky@cahill.com,MMcLoughlin@cahill.com,NMarcantonio@cahill.com
- **Lawrence Jay Zweifach**
lzweifach@gibsondunn.com,aarias@gibsondunn.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

David C. Walton
Lerach, Coughlin, Stoia, Geller, Rudman & Robbins, L.L.P.
655 W. Broadway
Suite 1900
San Diego, CA 92101-3301